

REMARKS

In section 1 of the current Office Action, the Examiner objects to FIGURES 1-3 for failing to indicate that they are prior art. Accordingly, attached hereto are two drawing sheets showing proposed changes to FIGURES 1-3 in red, together with two replacement drawing sheets.

Amendments

Claims 1-15 were previously pending in the subject application. New Claims 16-20 are added, such that Claims 1-20 are pending in the subject application after entry of the current amendment as set forth above, including independent Claims 1, 2, 9 and 16.

No new matter is added by the present amendment. Support for the amendments to Claims 1, 2 and 9 may be found at page 17 through page 19 of the Applicant's specification, and particularly, for example, in Figures 8a and 8b and the associated text. Figures 8a and 8b illustrate acquisition of a plurality of access bursts (m) within a singular contiguous new access opportunity period (extending from T0 to T28).

Original Claim 9 supports new Claim 16, wherein "means plus function" language from original Claim 9 is replaced with language that is fairly implied by original Claim 9 to avoid construction according with 35 USC 112, sixth paragraph. Original Claims 10-12 support new Claims 17-19. Support for new Claim 20 may be found, for example, on page 18 at lines 2-12.

Independent Claims 1, 2 and 9 are each amended in substantially similar ways to clarify, without narrowing, their original scope. An explanation follows with specific reference to Claim 1; however, the Examiner will readily see that this explanation applies to Claims 2 and 9, as well.

First, the term "new access opportunity" (hereinbelow "NAO") is clarified. The term NAO cannot fairly be understood outside the context of the Applicant's specification, wherein it has a clear meaning. NAO is used throughout the description of FIGURES 8a, 8b and 9 on pages 17-19 of

the Applicant's specification, consistent with the equivalence "a single contiguous time window or NAO 10'." (page 18 line 31) Thus, in the context of the Applicant's specification, an NAO is necessarily a single contiguous time window. Such definition is accordingly imported into Claim 1 (as well as into independent Claims 2 and 9). Because this definition is required for proper construction of the term in the context of the Applicant's specification, such importation does not narrow the affected claim.

Second, implications of the recitation in step (e) "else returning to step (b)" are clarified. Fair construction of this recitation requires that an embodiment of the invention, as claimed in original Claim 1, must at least sometimes return to step (b) before the end of the new access opportunity. Repeating step (b) (scanning for access bursts) within an NAO would be senseless, unless access bursts are sometimes acquired during such further scanning. Thus, the original claim language reasonably requires at least occasional repetition of steps (b) and (c) during a single NAO, before returning to step (a) to wait for a further NAO. Accordingly, amending Claim 1 to recite "that a plurality of access burst messages are acquired from corresponding subscriber units during at least one contiguous new access opportunity time window," merely makes explicit that which was implicit, and consequently does not narrow the scope of Claim 1.

Still referring to Claim 1, the nature of steps (b) and (c), scanning for and receiving access requests, logically must occur within the current NAO time window (as is also illustrated in FIGURES 8a, 8b and 9). However, there is no logical need for step (d) to occur during an NAO. Steps (b) and (c) involve reception from a subscriber unit, while step (d) involves a transmission to a subscriber unit. To preclude a mistaken construction requiring that step (d) must occur within the NAO, the recitation "during the new access opportunity window" is added to step (b) and to step (c), but not to step (d).

As currently amended to improve clarity, Claim 1 refers to a plurality of access bursts and subscriber units. Claim 1 has therefore been further amended by prefixing "subscriber unit" with the term "corresponding," as appropriate, to clarify the relationship between these items:

The explanation set forth above is with respect to Claim 1. However, substantially similar amendments are made to each of Claims 2 and 9, and the explanation set forth above accordingly applies to these other claims *mutatis mutandis*. In Claim 2, for example, the term “associated” is employed instead of “corresponding” in order to be consistent with previous wording. In Claim 9, due to the apparatus claim form, the amendments are worded somewhat differently, but will be seen to have similar effects.

Rejections Under 35 USC 102

In section 2 of the current Office Action, the Examiner rejects each claim, as originally filed, as anticipated by U.S. Patent 5,822,311 to Hassan, et al. (“Hassan”). In particular, the Examiner points to steps 100, 102 and 104 of Figure 4 of Hassan as anticipating, among others, Claims 1 and 2. However, the Examiner apparently does not find any text in Hassan that suggests a “new access opportunity” or an NAO, because in this regard the Examiner states, only parenthetically: “([H]erein, the mobile unit has already waited for the new access opportunity, which [*sic* - before?] transmitting RACH bursts in the uplink RACH channel).” (Please note that the word “which” in the Examiner’s statement is not understood; the bracketed “before” is suggested as a word that might have been intended.) Neither in this statement, nor elsewhere, does the Examiner point to any explicit language in Hassan that fairly describes an NAO, as that term is used, for example, in Claim 1, and as it is described in Applicant’s specification.

As originally filed, Claim 1 required, in part (underlining added for emphasis): “(a) waiting for a new access opportunity; . . . ; and (e) returning to step (a) if the new access opportunity has expired, else returning to step (b).” Hassan describes no entities that might fairly be identified as an NAO (new access opportunity) to which these requirements sensibly apply. Furthermore, as described hereinabove in regard to the amendments submitted herewith, an NAO, considered in the context of the Applicant’s specification, is necessarily a “contiguous ... time window;” (as is explicitly set forth in currently amended Claim 1). No such time window is described in Hassan.

Hassan describes frames and slots, but none that fairly constitute an example of an NAO as required by Claim 1.

Moreover, even were NAOs (having characteristics as required) to be attributed to Hassan, or combined with Hassan, Hassan makes no suggestion that “a plurality of access burst messages are acquired from corresponding subscriber units during at least one contiguous new access opportunity time window.” As set forth in more detail above, this limitation is reasonably required by Claim 1 as originally filed, and is explicitly recited by Claim 1 as currently amended. Hassan states that “[T]he mobile unit then transmits on the uplink RACH channel one or more RACH bursts” (Hassan, col. 4 line 66 – col. 5 line 1). However, there is no suggestion whatsoever that such plural bursts should be transmitted, let alone scanned for or acquired, during a single NAO window.

For at least the reasons set forth above, Hassan fails to anticipate Claim 1 as originally filed. Moreover, the current clarifying amendments to Claim 1 help avoid misinterpretation, such as is presumed to underlie the Examiner’s rejection of Claim 1. After entry of the clarifying amendment, Hassan fails even more clearly to anticipate Claim 1. Indeed, Hassan fails to disclose a plurality of limitations required by Claim 1, and does not render obvious, or even support a *prima facie* case of obviousness for, Claim 1 as currently amended.

Hassan fails to anticipate or render obvious Claim 2, as originally filed and as currently amended, for substantially similar reasons as are set forth above with respect to Claim 1. In addition, Claim 9, as currently amended, recites in part “[A]cquiring a plurality of access burst messages from corresponding subscriber units during the new access opportunity time window.” Together with other recitations limiting the NAO time window, Claim 9 is thus distinguished over Hassan for substantially similar reasons as are set forth above with respect to Claim 1. Similar language is also present in new Claim 16, which is thus also distinguished over Hassan at least for reasons similar to those set forth above. Accordingly, it is respectfully submitted that each of the independent Claims 1, 2, 9 and 16, as currently pending, is clearly nonobvious over Hassan. Each remaining pending claim is therefore also nonobvious, at least by virtue of proper dependency from

Serial No. 09/629,569
Reply to Office Action of 11/24/03

DOCKET: ENS-015-PAP
Date: February 24, 2004

a nonobvious (and *a fortiori* unanticipated) independent claim. As such, the Examiner is respectfully requested to withdraw his rejection of each pending claim as anticipated by Hassan.

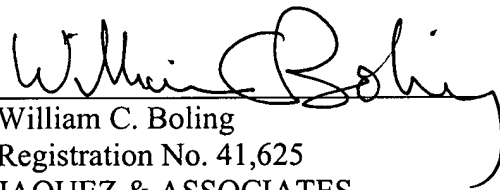
Conclusion

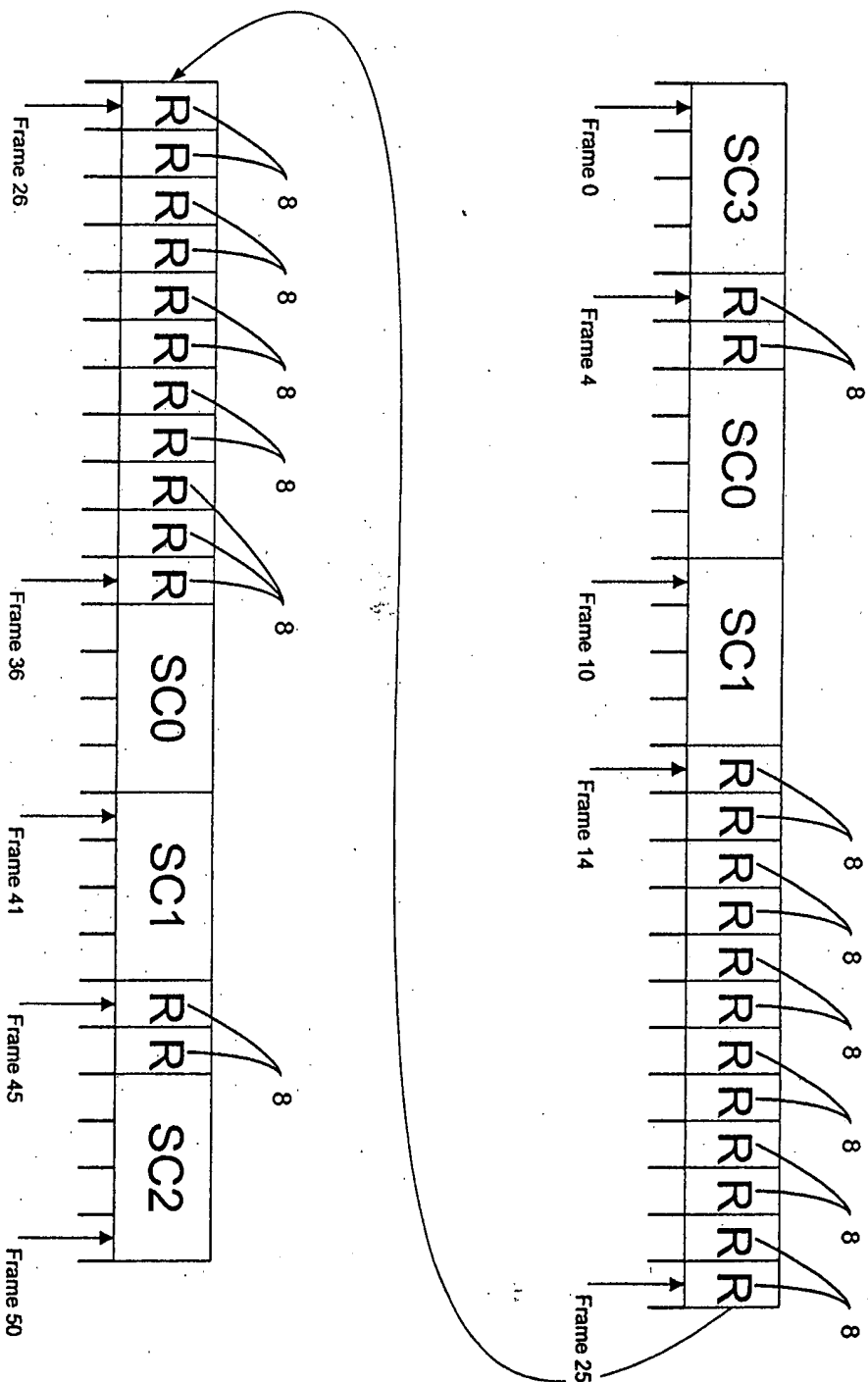
It is respectfully submitted that the remarks set forth above overcome each and every grounds for rejection set forth in the current Office Action. As such, favorable reconsideration of the subject application, and timely issuance of a Notice of Allowance, are respectfully requested.

The Commissioner is authorized to construe this paper as including a petition to extend the period for response by the number of months necessary to make this paper timely filed. Fees required to cause the response to be complete and timely filed may be charged, and any overpayments should be credited, to our Deposit Account No. 50-0490.

Respectfully submitted,

2/27/2004
Date


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(PRIOR ART)

FIGURE 3

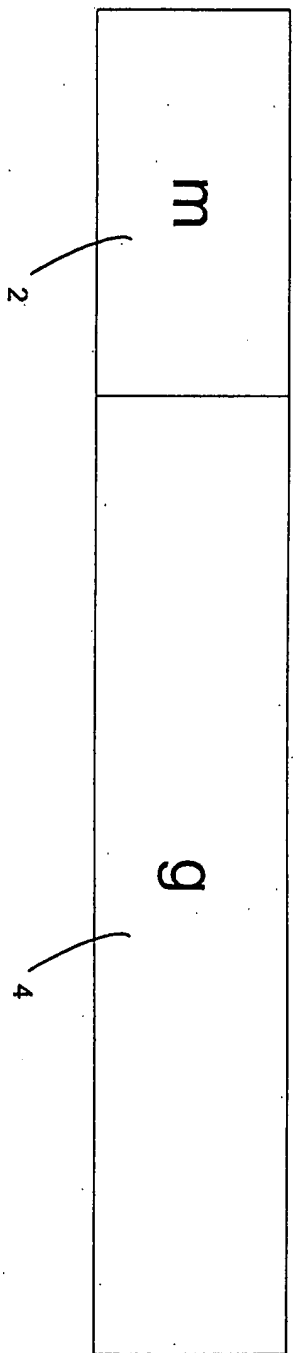


FIGURE 1 (PRIOR ART)

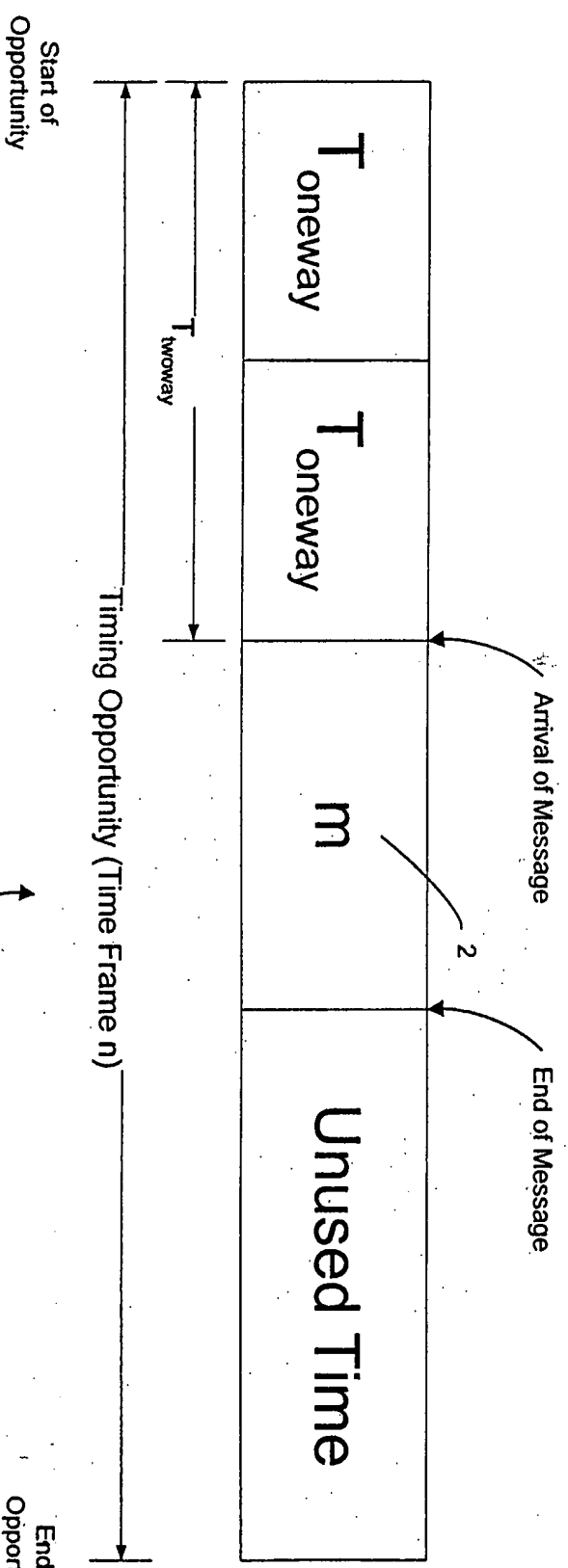


FIGURE 2 (PRIOR ART)

